



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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APRIL 4, 2016

Regular meeting of the City Council held on Monday, APRIL 4, 2016 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juairé, Ossing, Robey, Delano, Elder, Tunnera, Irish and Landers. Absent: Oram & Doucette. Meeting adjourned at 9:20 PM.

ORDERED: That the Minutes of the City Council meeting MARCH 21, 2016, **FILE;** adopted.

ORDERED: That the PUBLIC HEARING On the Petition of MA Electric Company and Verizon New England, Inc. to relocate P5, P6-50, P7, P8, P10, P10-80, P11, P11-50 along E. Main St. between Main St. and Francis St. The City of Marlborough requests pole relocations to accommodate road improvement project, Order No. 16-1006485, all were heard who wish to be heard, hearing recessed at 8:04 PM.

Councilors Present: Delano, Elder, Tunnera, Irish, Clancy, Landers, Juairé, Ossing, & Robey.
Absent: Doucette & Oram.

ORDERED: That the PUBLIC HEARING On the Application for LED Sign Permit, Marlborough Savings Bank, 71 Boston Post Rd. East to erect an electronic message board below the existing Marlborough Savings Bank sign, Order No. 16-1006483, all were heard who wish to be heard, hearing recessed at 8:08 PM.

Councilors Present: Elder, Tunnera, Irish, Clancy, Landers, Juairé, Ossing, & Robey.
Absent: Doucette & Oram.
Councilor Delano recused.
Councilor Elder disclosed that he has two accounts with Marlborough Savings Bank by which there is no conflict or financial interest.

ORDERED: That the PUBLIC HEARING On the Application for Amended Special Permit, Q Café d/b/a Firefly’s, 350 East Main St., to expand outdoor patio/deck area; add small bar; add serving cooking kitchen; add acoustic music; add televisions; add games; add fire pit; and add outdoor heating. The capacity is to remain the same, Order No. 16-1006482, X02-9505, all were heard who wish to be heard, hearing recessed at 8:40 PM, **CONTINUED UNTIL APRIL 25, 2016.**

Councilors Present: Delano, Elder, Tunnera, Irish, Clancy, Landers, Juairé, Ossing, & Robey.

Absent: Doucette & Oram.

ORDERED: That the Appointment of Eileen Bristol to the position of Collector upon confirmation by the City Council, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Fire Department transfer request in the amount of \$33,351.29 which moves funds from Reserve for Salaries to Sick Leave Buy Back to fund the balance of sick leave buy back pertinent to a retiring employee, be and is herewith refer to **FINANCE COMMITTEE.**

		FROM ACCOUNT:			TO ACCOUNT:				
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$520,539.84	\$33,351.29	11990006	57820	Reserve for Salaries	\$33,351.29	1.2E+07	51920	Sick Leave Buy Back	\$4,428.91
	Reason:	Retirement payout of sick leave buy back							
	\$33,351.29	Total			\$33,351.29	Total			

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** Family Fun Festivals Grant from Ezra M. Cutting Trust, Bank of America, in the amount of \$6,000.00 awarded to the City to support the performances that are part of the Family Fun Festivals; adopted.

ORDERED: That the updated Agreement with the Town of Sudbury to continue operating the Marlborough-Sudbury Veterans District, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: That Appointment of Police Chief Mark Leonard as the Keeper of the Lockup, **APPROVED**; adopted.

ORDERED: That the Planning Board's recommendation to City Council that it **NOT** exercise its Right of First Refusal – 421 Bolton St., Order No. 16-1006479, X16-1006441, X15-1006223, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, APRIL 25, 2016** as **DATE FOR PUBLIC HEARING** on the Application for Special Permit, Quad Rink Limited Partnership, New England Sports Management Corp., to amend existing special permits, to add Rinks 7 & 8 and Restaurants, 121 Donald Lynch Blvd., X11-1002790B, 10-1002448B, 04-100359B and 94-5460B, refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, APRIL 25, 2016** as **DATE FOR PUBLIC HEARING** Application for LED Sign Permit, Discount Gas, 50 Main St, refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License, Tony Bitar, Hannoush Jewelers, 601 Donald Lynch Blvd., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License, Best Buy Stores, LP #1966, 601 Donald Lynch Blvd., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License, Best Buy Stores, LP #820, 769 Donald Lynch Blvd., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License, Roman Kimyagarov, Arthur & Sons Shoe Repair, 107 Main St., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Sudbury Companies of Militia and Minute to place a temporary sign on City property at the corner of US Rt. 20 and Hager St. at the Wayside Inn turn from Saturday, September 17, 2016 to Sunday, September 25, 2016, **APPROVED**; adopted.

ORDERED: That the Communication from the Commonwealth of MA, Department of Public Utilities, Corrected Notice of Filing, Public Hearing, and Procedural Conference, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, March 7, 2016, **FILE**; adopted.

ORDERED: That the Minutes, School Committee, March 8, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging, February 9, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, March 3, 2016, **FILE**; adopted.

ORDERED: That the Minutes, License Board, February 24 & March 18, 2016, **FILE**; adopted.

ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.

- a. Donna Quelle, 30 Highland St., other property damage.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee
Monday March 28, 2016
In Council Chambers**

Present: Chairman Ossing; Finance Committee members Councilors Robey, Irish and Doucette (Councilor Oram was absent.) Councilors Clancy, Landers, Delano, and Tunnera were also in attendance. The meeting convened at 7:03 PM.

- 1. Order No. 16-1006496 – Transfer \$1,000,000.00 from Undesignated Account to Richer Elementary Feasibility Study.** The Finance Committee reviewed the Mayor's letter dated March 17, 2016 requesting the transfer of \$1,000,000.00 from the Undesignated account to fund the Richer School feasibility study. The Mayor also submitted an order to reflect the Council approval of the transfer to support the feasibility study. The Finance Committee voted 4 – 0 (Councilor Oram was not present but wanted the record to reflect he was in favor of the order and transfer) to approve the order and the transfer.

The Finance Committee adjourned at 7:40 PM

Councilor Robey orally report that she would like a Suspension of the Rules to address Order No. 16-100681, X15-010063436, X15-1006343A, Communication from the Planning Board regarding Water's Edge subdivision correspondence from Legal Department.

Councilor Delano reported the following out of the Urban Affairs Committee:

Meeting Name: City Council Urban Affairs Committee

Date: March 28, 2016

Time: 5:15 PM

Location: City Council Chambers, 2nd Floor, City Hall, 140 Main Street

Convened: 5:15 PM

Adjourned: 6:50 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Elder, Juaira, Tunnera and Landers; and Councilors Clancy, Doucette, and Robey

Also Present: Sandra Austin (Attorney); Mark Oelrich (CSM Marlborough Hotel); Erik Merliss (Arnco Sign Company)

Reports of Committees cont'd:

Order No.16-1006442 - Communication from Marc Cohen on behalf of Arnco Sign Co., Inc., regarding Sign Application for Hilton Garden Hotel at 170 Forest Street. The Urban Affairs Committee met with Attorney Sandra Austin and representatives from CSM Marlborough Hotel and Arnco Sign Company for a discussion of the three signs requested for the Hilton Garden Inn located at 170 Forest Street. They reviewed the dimensions and locations of the signs on the building and were in agreement the requested signs were within reason for the overall design and size of the hotel. **Motion made by Councilor Juaire, seconded by the Chair, to approve the signs as requested. The motion carried 5-0.**

Motion made and seconded to request a suspension of the rules at the next regular City Council meeting to request a vote to approve this application. The motion carried 5-0.

Motion made and seconded to adjourn. The motion carried 5-0. Meeting adjourned at 6:50 PM.

Councilor Elder reported the following out of the Operations and Oversight Committee:

Meeting Name: City Council Operations & Oversight Committee

Date: March 22, 2016

Time: 5:30 PM

Location: City Council Chambers, 2nd Floor, City Hall, 140 Main Street

Convened: 5:30 PM

Adjourned: 6:38 PM

Present: Chairman Elder; Operations & Oversight Committee Members Councilors Robey and Landers; Councilors Clancy, Delano and Juaire

Also Present: Tim Cummings, Executive Director, Marlborough Economic Development Corporation (MEDC); Mayor Arthur Vigeant.

Order No. 15-1006380 - Communication from Mayor Vigeant, together with letter from MEDC Executive Director Cummings, regarding Walker Building Use Feasibility Study, with cost ranging from \$75,000.00 to \$100,000.00. The Operations and Oversight Committee met with Tim Cummings, Executive Director of Marlborough Economic Development Corporation, and Mayor Arthur Vigeant for a discussion of funding a feasibility study for the future use of the Walker Building. Mr. Cummings explained about exploring the Walker Building's highest and best use for the benefit of the downtown. Councilors provided input with their ideas for the space and several Councilors wished to participate in a walkthrough of the building as it currently stands. The committee decided that no future use should be eliminated until they received the results of the feasibility study. **Motion made by Councilor Robey, seconded by Councilor Landers, to request the Mayor send a transfer request to the City Council in the amount of \$75,000 to fund the feasibility study. The motion carried 3-0.**

Motion made by Councilor Robey seconded by Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 6:38 PM.

Suspension of the Rules requested-granted

ORDERED: That the Communication from the Planning Board re: Waters Edge Subdivision Correspondence from Legal Department, **FILE**; adopted.

Suspension of the Rules requested-granted

ORDERED: That pursuant to the jurisdiction of the City Council of Marlborough concerning signage at 170 Forest Street under Order No. 14-100572B, being the Site Plan Permit by which the City Council approved, subject to conditions, the site plan for Hilton Garden Inn Marlborough Hills, the City Council hereby approves the three (3) sign applications for Signs A, B, and C, dated January 6, 2016, of Arnco Sign Co., Inc. of 1133 South Broad Street, Wallingford, CT (hereinafter, the "Applicant"), as follows:

- Permit SP-2016-0001. Sign A as shown on drawings of the "Proposed East Elevation," Hilton Garden Inn, 170 Forest Street, Marlborough, MA 01752, dated June 25, 2016, revised October 9, 2015; and as shown on drawings of the "LED Illum. Channel Letters" for the east elevation, Hilton Garden Inn, 170 Forest Street, Marlborough, MA 01752, dated June 25, 2015;
- Permit SP-2016-0002. Sign B as shown on drawings of the "S/F Illum. Floret," Hilton Garden Inn, 170 Forest Street, Marlborough, MA 01752, dated October 9, 2015; and
- Permit SP-2016-0003. Sign C as shown on drawings of the "Proposed West Elevation," Hilton Garden Inn, 170 Forest Street, Marlborough, MA 01752, dated October 15, 2015; and as shown on drawings of the "LED Illum. Channel Letters" for the west elevation, Hilton Garden Inn, 170 Forest Street, Marlborough, MA 01752, dated October 15, 2015.

All plans and other documentation provided by the Applicant as part of the three (3) applications are herein incorporated into and become a part of this approval, and become conditions and requirements of the same, unless otherwise altered by the City Council.

APPROVED; adopted.

Suspension of the Rules requested-granted

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, April 4, 2016 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, **“COMPENSATION SCHEDULE”**, having been read was ORDERED ADVERTISED as follows:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING SECTION 125-6 OF CHAPTER 125, ENTITLED **“COMPENSATION SCHEDULE,”** SAID AMENDMENT TO BE EFFECTIVE AS OF JULY 1, 2017, AS FOLLOWS:

<u>Stipend Position</u>	<u>Stipend Per Election</u>
Election Wardens	\$250.00
Election Clerks	\$200.00
Election Inspectors/Checkers (per approximate 6-hour shift)	\$ 60.00
Constables at Polls	\$18.75 per hour

ADVERTISED AS INDICATED ABOVE AND TABLE UNTIL THE APRIL 25, 2016 MEETING AS THE TEN DAY PERIOD AFTER ADVERTISEMENT WILL BE MET FOLLOWING THE ADVERTISEMENT DATE OF APRIL 9, 2016; adopted.

ORDERED: That the Various Mid-Year Transfer requests as noted in the attached communication and on the assorted spreadsheets, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:	Police					FY:	2016		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$1,376,994	\$40,000.00	12100001	50420	Police Officers	\$40,000.00	12100003	51310	Regular Overtime	\$11,034
	Reason:	Surplus due to vacancies and long term injuries				Deficit due to vacancies and injuries			
\$16,243	\$6,000.00	12100003	51120	Crossing Guards	\$6,000	12100003	51195	Detention Attendant	\$924
	Reason:	Surplus due to vacancy				Higher than anticipated use of police matrons			
\$18,922	\$8,000.00	12100003	51920	Sick Leave Buy Back	\$8,000	12100003	51319	Cell Watch Overtime	\$0
	Reason:	Fewer officers buying back annual sick time				Large number of at risk detainees			
\$18,922	\$5,000.00	12100003	51920	Sick Leave Buy Back	\$5,000.00	12100006	52560	Vehicle Repair	\$9,282
	Reason:	Fewer officers buying back annual sick time				Higher than expected repairs to a few cruisers			
\$96,160	\$4,000.00	12100003	51490	Holiday	\$4,000	12100006	51975	Initial Equipment Issue	\$2,889
	Reason:	Fewer officers working on some holidays				New dispatcher and new police officer			
	\$63,000.00	Total			\$63,000.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:	Police						FY:	2016	
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$96,160	\$2,000.00	12100003	51490	Holiday	\$2,000.00	12100006	55882	Prisoner Meals	\$1,631
	\$2,000.00	Total			\$2,000.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:	FIRE						FISCAL YEAR:	2016		
FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$1,586,135.62	\$16,380.63	12200001	50450	FIREFIGHTER	\$16,380.63	12200003	51300	OVERTIME	\$70,697.20	
		Reason:	Transfer is available due to 111F payments							
\$126,424.91	\$6,156.42	12200001	50800	FIRE CAPTAIN	\$6,156.42	12200003	51300	OVERTIME	\$70,697.20	
		Reason:	Transfer is available due to 111F payments							
\$222,943.37	\$780.24	12200001	50810	FIRE LIEUTENANT	\$780.24	12200003	51300	OVERTIME	\$70,697.20	
		Reason:	Transfer is available due to 111F payments							
\$1,586,135.62	\$100,000.00	12200001	50450	FIREFIGHTER	\$100,000.00	12200003	51300	OVERTIME	\$70,697.20	
		Reason:	Transfer is available due to Retirements and vacant positions							
	\$123,317.29	Total			\$123,317.29	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --								
DEPT:	Department of Public Works				FISCAL YEAR:	2016		
	FROM ACCOUNT:				TO ACCOUNT:			
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$89,555	14001503	50740	Equipment Operators	\$10,000	14001306	55400	Sidewalk Maintenance	\$0
Reason:	Money available due to vacancy				Anticipated cost to cover remaining FY 16			
				\$10,000	14001306	55440	Drain Maintenance	\$8,740
					Anticipated cost to cover remaining FY 16			
				\$8,255	14001501	50690	Foreman	\$112,142
					Anticipated cost to cover remaining FY 16			
				\$22,000	14001503	51240	Temporary Part-Time	\$10,325
					Anticipated cost to cover remaining FY 16			
				\$20,000	14001503	51310	Overtime-Regular	\$800
					Anticipated cost to cover remaining FY 16			
				\$300	14001503	51990	Meal Allowances	\$0
					Anticipated cost to cover remaining FY 16			
				\$15,000	14001504	53140	Contract Services	\$2,399
					Anticipated cost to cover remaining FY 16			
				\$3,000	14001504	53810	Insect & Pest Control	\$0
					Anticipated cost to cover remaining FY 16			
				\$1,000	14001506	52500	Rep/Maint Equipment	\$225
					Anticipated cost to cover remaining FY 16			
\$89,555	Total			\$89,555	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
	DEPT:	Department of Public Works					FISCAL YEAR:	2016		
		FROM ACCOUNT:					TO ACCOUNT:			
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	
Balance									Balance	
\$343,541	\$14,860	14001303	50740	Equipment Operators	\$860	14001303	50790	Dispatch	\$19,950	
	Reason:	Money available due to vacancy					Anticipated cost to cover remaining FY 16			
					\$6,000	14001303	51240	Temporary Part-time	\$0	
						Anticipated cost to cover remaining FY 16				
					\$8,000	14001303	51310	Overtime-Regular	\$2,594	
						Anticipated cost to cover remaining FY 16				
\$137,297	\$60,000	14001406	54830	Fuel & Luricants	\$60,000	14001406	54810	Rep/Maint. Supplies	\$37,769	
	Reason:	Money available due to drop in fuel prices					Anticipated cost to cover remaining FY 16			
\$405,150	\$41,700	14001503	50740	Equipment Operators	\$1,700	14001303	51990	Meal Allowances	\$0	
	Reason:	Money available due to vacancy					Anticipated cost to cover remaining FY 16			
					\$10,000	14001304	53108	Catch Basin Cleaning	\$0	
						Anticipated cost to cover remaining FY 16				
					\$20,000	14001304	53140	Contract Services	\$16,243	
						Anticipated cost to cover remaining FY 16				
					\$10,000	14001305	55310	Highway Constr. Materials	\$20,492	
						Anticipated cost to cover remaining FY 16				
	\$116,560	Total			\$116,560	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
	DEPT:	Department of Public Works					FISCAL YEAR:	2016		
		FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$405,149	\$7,000	14001503	50740	Equipment Operators	\$7,000	14001506	54640	Park Maintenance	\$32,470	
		Reason: Money available due to vacancy					Anticipated cost to cover remaining FY 16			
\$924	\$924	60081003	51920	Sick Leave Buy Back	\$924	60081003	51470	Interim Foreman	\$179	
		Reason: Money available					Anticipated cost to cover remaining FY 16			
\$132,817	\$30,000	61090001	50690	Foreman	\$6,000	61090003	51240	Temporary Part-Time	\$3,610	
		Reason: Money available due to vacancy					Anticipated cost to cover remaining FY 16			
					\$8,000	61090003	51470	Interim Foreman	\$0	
							Anticipated cost to cover remaining FY 16			
					\$16,000	61090006	55750	Water Service Const	\$1,841	
							Anticipated cost to cover remaining FY 16			
\$296,506	\$20,000	61090001	50740	Equipment Operators	\$20,000	61090006	55710	Water Maintenance	\$4,974	
		Reason: Money available due to vacancy					Anticipated cost to cover remaining FY 16			
\$2,382	\$2,382	61090003	51920	Sick Leave Buy Back	\$2,382	61090006	55710	Water Maintenance	\$4,974	
		Reason: Money available due to vacancy					Anticipated cost to cover remaining FY 16			
\$5,520	\$1,000	60085005	55014	Lab/Testing Supplies	\$1,000	60085003	51470	Interim Foreman	\$198	
		Reason: Money available					Anticipated cost to cover remaining FY 16			
	\$61,306	Total			\$61,306	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Department of Public Works				FISCAL YEAR:		2016		
		FROM ACCOUNT:				TO ACCOUNT:				
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$48,179	\$1,691	14001101	50700	Grade 2 Engineering	\$1,691	14001103	51240	Temporary Part-time	\$4,075	
	Reason:	Unpaid leave				Anticipated cost to cover remaining FY 16				
\$4,400	\$4,400	14001103	51440	Educational Incentive	\$954	14001103	51240	Temporary Part-time	\$4,075	
	Reason:	Tuition benefit is unused				Anticipated cost to cover remaining FY 16				
					\$3,446	14001104	53180	Prof & Tech Service	\$15,513	
						Anticipated cost to cover remaining FY 16				
\$19,092	\$19,092	61090007	58770	Equipment/Tool Replacement	\$19,092	61090006	52320	Water-MWRA	\$1,000	
	Reason:	Milham WTP under construction				Anticipated cost to cover remaining FY 16				
\$187,603	\$187,603	61090006	55700	Water Treatment Plant	\$187,603	61090006	52320	Water-MWRA	\$1,000	
	Reason:	Milham WTP under construction				Anticipated cost to cover remaining FY 16				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Legal				FISCAL YEAR:		2016		
		FROM ACCOUNT:				TO ACCOUNT:				
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$23,175.14	\$5,000.00	11510006	57600	Claims & Judgements	\$2,500.00	11510005	54220	Office Supplies/Expense	\$1,509.25	
	Reason:	Expenses running lower than anticipated				To cover anticipated costs through year end				
					\$2,500.00	11510006	53880	Registry of Deeds	\$50.00	
						To cover anticipated costs through year end				
	\$5,000.00	Total			\$5,000.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Various				FISCAL YEAR:		2016		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$2,092,330.17	\$215,891.00	13900006	53280	Assabet Regional Voc School	\$12,000.00	12410001	50970	Asst Wiring Inspector	\$1,575.00	
	Reason:	Assessment lowered due to Local Aid increase				To cover upcoming inspections due to large projects				
\$105,697.00	\$99,697.00	11940006	51770	Retirement	\$5,000.00	12410001	50960	Asst Plumbing Inspector	\$480.00	
	Reason:	Funds available due to one 7/1/2015 payment				To cover upcoming inspections due to large projects				
\$43,683.00	\$43,683.00	13100003	51770	Retirement	\$275,000.00	60080004	53110	Legal Services - Sewer	\$1,000.00	
	Reason:	Funds available due to one 7/1/2015 payment				To cover various legal services thru year end				
\$417,530.00	\$82,729.00	60075206	59050	Interest Expense - Sewer	\$150,000.00	11920006	52120	Electricity	\$541,099.00	
	Reason:	Funds available				To restore cut funds needed for remaining FY16				
	\$442,000.00	Total			\$442,000.00	Total				

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, March 21, 2016 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, be further amended by amending Chapter 125 entitled “PERSONNEL” Section 6, entitled “COMPENSATION SCHEDULE”, having been read was **ORDERED ADVERTISED** as follows:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, ACTING UPON A RECOMMENDATION OF THE MAYOR, THAT THE CODE OF THE CITY OF MARLBOROUGH (HEREINAFTER, THE “CITY CODE”), AS AMENDED, BE FURTHER AMENDED BY AMENDING IN CHAPTER 125, ENTITLED “PERSONNEL,” SECTION 6, ENTITLED “COMPENSATION SCHEDULE,” AS FOLLOWS:

Position	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7 / Max
	<i>Start</i>	<i>6 months of service</i>	<i>1 year of service</i>	<i>2 yrs. of service</i>	<i>3 yrs. of service</i>	<i>4 yrs. of service</i>	<i>5 yrs. of service</i>
Assistant Building Commissioner	\$70,000.00	\$71,400.00	\$72,828.00	\$74,284.56	\$75,770.25	\$77,285.66	\$78,831.37

TABLED UNTIL THE APRIL 25, 2016 CITY COUNCIL MEETING AS THE LEGAL AD WAS ADVERTISED ON SATURDAY, MARCH 26, 2016, THEREFORE CAN NOT BE FURTHER ADDRESSED UNTIL THE APRIL 25, 2016 CITY COUNCIL MEETING TO COMPLY WITH THE TEN DAY PERIOD; adopted.

ORDERED: Be it ordained by the City Council of the City of Marlborough that the minimum exemption value of \$5,000 for personal property subject to taxation set forth in Order No. 05-100784A, dated April 11, 2005, by which Order the City accepted the provisions of M.G.L. chapter 59, § 5, clause 54th, be and is hereby modified under authority of said statute to a minimum exemption value of \$10,000 or less, **APPROVED**; adopted.

ORDERED: That the City Council of the City of Marlborough, pursuant to the provisions and conditions of Mass. Gen. Laws c. 40, § 8C, does hereby accept from Howe's Landing Developers, LLC, a Massachusetts limited liability company, a deed of the land in Marlborough, Middlesex County, Massachusetts shown as "OPEN SPACE LOT 2.84 Ac." and as "PARCEL A" on Sheet D2 of 2 in a plan entitled " 'Howe's Landing' a Definitive Subdivision Plan in Marlborough, Massachusetts, Date: August 11, 2014, Prepared for: Chris Christopher, Sage Investors Inc., Prepared by: Thomas DiPersio, Jr. & Associates Inc.," which plan was last revised on November 26, 2014 and is recorded with the Middlesex South District Registry of Deeds as Plan No. 50 of 2015 (the "Plan") and to which reference may be had for a more particular description of said Lot and Parcel. Said Open Space Lot contains 2.84 acres, more or less, according to said Plan. Said Parcel A contains 0.0048 acres, more or less.

In accordance with Condition 10.a of the "Certificate of Vote Definitive Subdivision Plan Howe's Landing Hudson Street" of the City of Marlborough Planning Board dated December 1, 2014 and recorded with said Registry in Book 64831, Page 355, said Open Space Lot is conveyed subject to the restriction that it shall remain as permanently protected open space. The Open Space Lot is conveyed to the City of Marlborough under the provisions of Mass. Gen. Laws c. 40, § 8C and is to be managed and controlled by the Marlborough Conservation Commission for the purposes of the promotion and development of natural resources, watershed protection, passive recreation, and conservation.

In accordance with Condition 10.c of the "Certificate of Vote Definitive Subdivision Plan Howe's Landing Hudson Street" of the City of Marlborough Planning Board dated December 1, 2014 and recorded with said Registry in Book 64831, Page 355, said Parcel A is conveyed subject to the restrictions 1) that the Grantor shall retain and grant to a homeowners association the right to access Parcel A in order for the home owners association, and not the City, to maintain and repair the force main, including the force main manhole located on Parcel A, which services Lots 7, 8, 9 and 10 on the westerly side of the proposed subdivision road; and 2) that the homeowners association, and not the City, shall maintain and repair the force main, including the force main manhole located on Lot 4, which services Lots 1, 2 and 3 on the easterly side of the proposed subdivision road.

Acceptance of this open space is subject to all terms and conditions of a special permit granted on or about June 16, 2014 by the Marlborough Planning Board and recorded at said Registry in Book 64065, Page 240, and a subdivision approval approved on or about December 1, 2014 by the Marlborough Planning Board and recorded at said Registry in Book 64831, Page 355, each of which is incorporated herein by reference, **APPROVED**; adopted.

Yea - Delano, Elder, Tunnera, Irish, Clancy, Landers, Juairé, Ossing, & Robey.
Absent: Doucette & Oram.

ORDERED: That the City Council of the City of Marlborough (GRANTEE), pursuant to the provisions and conditions of Mass. Gen. Laws c. 40, § 8C, does hereby accept from A.A. Farooq Ansari, Trustee of Waters Edge Realty Trust (GRANTOR), the open space in the City of Marlborough known as Open Space Parcel "A," Open Space Parcel "B," and Open Space Parcel "C," as shown on sheet 3 of a 3-page plan entitled "Plan of Acceptance of Easements, Open Space, Worster Drive, Beauregard Circle, Gaucher Circle and Perolman Drive, in Marlborough, MA," prepared by Thomas Land Surveyors and Engineering Consultants, Inc., 265 Washington Street, Hudson, MA 01749, prepared for Ansari Builders, 6 Edgewood Road, Westborough, MA., dated May 16, 2006 (on sheet 3), with latest revision date of February 2, 2012, Scale 1" = 80' (on sheet 3), as more fully described on the said plan which is to be recorded.

Said open space is to be managed and controlled by the Marlborough Conservation Commission for the purposes of the promotion and development of natural resources, watershed protection, passive recreation, and conservation of open space. The open space parcels of land are intended to remain in their natural state, in perpetuity, except as the Marlborough Conservation Commission may deem appropriate as to trail development for non-motorized vehicles.

Acceptance of this open space is subject to all terms and conditions of a Special Permit granted on or about May 5, 1997 by the Planning Board of the City of Marlborough and a covenant approved on February 9, 1998 by the Planning Board of the City of Marlborough, both of which are attached hereto and incorporated herein by reference, **APPROVED**; adopted.

Yea - Delano, Elder, Tunnera, Irish, Clancy, Landers, Juair, Ossing, & Robey.
Absent: Doucette & Oram.

ORDERED: That the City Council work with Building Commissioner, Code Enforcement Officer and City Solicitor on the drafting of an ordinance to ensure that prompt remedial action is taken after a devastating event. Such ordinance would provide tools for the Code Officer and other municipal officials to work with insurance companies and/or other professionals to expedite insurance and legal matters associated with such losses.

Refer to **MAYOR VIGEANT TO WORK WITH THE BUILDING DEPT., CODE ENFORCEMENT OFFICER AND LEGAL TO CREATE LANGUAGE A NEW ARTICLE III OF CHAPTER 485 AND SUBMIT THAT LANGUAGE IN AN ORDER TO CITY COUNCIL**; adopted.

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, March 21, 2016 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, be further amended by amending Chapter 7 entitled “**BUILDING DEPARTMENT**”, of Article XIV, having been read was **ORDERED ADVERTISED** as follows:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 7, ENTITLED “BUILDING DEPARTMENT,” OF ARTICLE XIV, AS FOLLOWS:

A. Chapter 7 is hereby amended by deleting section 7-76 in its entirety and replacing it with the following:

§ 7-76 Assistant Building Commissioner; Appointment of Local Inspectors.

A. The Mayor may employ an Assistant Building Commissioner who shall assist in the performance of the duties of the Building Commissioner. At the time of appointment, the Assistant Building Commissioner shall be certified as a Building Commissioner or shall be certified and working as a Local Inspector for at least two years prior to appointment and become a certified Building Commissioner within 18 months of appointment, the requirements and qualifications of said certifications being governed by the Massachusetts Board of Building Regulations and Standards as provided by Section 3 of Chapter 143 of the Massachusetts General Laws.

B. The Mayor shall employ local inspectors, as necessary, to support the mission and duties of the Building Department. Local inspectors shall be under the direction of the Building Commissioner and the Assistant Building Commissioner. Local inspectors shall meet the requirements and qualifications of the Massachusetts Board of Building Regulations and Standards as provided by Section 3 of Chapter 143 of the Massachusetts General Laws.

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ORDERED: That the Petition from National Grid and Verizon New England, Inc. to relocate existing P12 and install new guy P12-84, and relocating P15, P18, P27, P28, P30 & P31 to accommodate road widening project on West Hill Rd., Order No. 16-1006427, X14-1005672A, **APPROVED WITH FOLLOWING CONDITIONS:** adopted.

1. A street opening permit must be applied for by the proposed contractor performing the work.
2. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way.
3. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
4. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
5. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
6. Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
7. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
8. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

Councilor Irish abstained.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, ACTING UPON A RECOMMENDATION OF THE MAYOR, THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- A. Section 6 is hereby retitled “Salary Schedule”
- B. This salary schedule shall take effect July 1, 2016.
- C. Any new hires to the positions listed below who are appointed to their position will begin at Step 1.
- D. The Mayor shall have the authority and discretion to waive any two steps of the salary schedule for all positions, subject to available appropriation.
- E. The positions of City Solicitor, Executive Aide to the Mayor, Executive Secretary to the Mayor, and Secretary/Research Assistant to the City Council, as at-will employees, shall be compensated reasonably in any amount up to but not to exceed their Step 7 Maximum.
- F. As allowed under Massachusetts General Law Chapter 41, Section 108O, the positions of Police Chief and Fire Chief are eligible to receive employment contracts provided that their total compensation, including but not limited to salary, stipends and educational incentives does not exceed their Step 7 Maximum.

Position	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7 / Max
	<i>Start</i>	<i>6 months of service</i>	<i>1 year of service</i>	<i>2 yrs. of service</i>	<i>3 yrs. of service</i>	<i>4 yrs. of service</i>	<i>5 yrs. of service</i>
Comptroller - Treasurer	\$109,014	\$111,194	\$113,418	\$115,686	\$118,000	\$120,360	\$122,767
Police Chief	-	-	-	-	-	-	\$166,464
Human Resources Director	\$87,765	\$89,521	\$91,311	\$93,137	\$95,000	\$96,900	\$98,838
City Auditor	\$89,613	\$91,405	\$93,234	\$95,098	\$97,000	\$98,940	\$100,919
City Solicitor	-	-	-	-	-	-	\$117,565
City Clerk	\$81,298	\$82,924	\$84,583	\$86,274	\$88,000	\$89,760	\$91,555
Executive Aide to the Mayor and Secretary/Research Assistant to the City Council	-	-	-	-	-	-	\$68,666

Executive Secretary to the Mayor	-	-	-	-	-	-	\$53,009
Assistant City Solicitor	\$82,125	\$83,767	\$85,443	\$87,152	\$88,895	\$90,673	\$92,486
Chief Procurement Officer	\$76,679	\$78,213	\$79,777	\$81,372	\$83,000	\$84,660	\$86,353
Library Director	\$91,461	\$93,290	\$95,156	\$97,059	\$99,000	\$100,980	\$103,000
Paralegal	\$40,335	\$41,142	\$41,965	\$42,804	\$43,660	\$44,533	\$45,424
Assistant Recreation Director	\$57,279	\$58,424	\$59,593	\$60,785	\$62,000	\$63,240	\$64,505
Senior Clerk (nonunion)	\$40,335	\$41,142	\$41,965	\$42,804	\$43,660	\$44,533	\$45,424

G. Any changes to the salary of the Mayor and City Council shall not take effect until January 1, 2018.

Position	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7 / Max
	<i>Start</i>	<i>6 months of service</i>	<i>1 year of service</i>	<i>2 yrs. of service</i>	<i>3 yrs. of service</i>	<i>4 yrs. of service</i>	<i>5 yrs. of service</i>
Mayor							\$100,000
City Council							\$10,000

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. Councilor Delano opposed. No objection to passage in one evening.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:20 PM.